

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SCOTT PELLATON and ERIN PALLATON,

No. C 11-5520 CW

Plaintiffs,

ORDER REFERRING
CASE TO ADR UNIT
FOR ASSESSMENT
TELEPHONE
CONFERENCE

v.

BANK OF AMERICA and BANK OF NEW
YORK,

Defendants.

Pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3, the Court refers this foreclosure-related action to the Alternative Dispute Resolution (ADR) Unit for a telephone conference to assess this case's suitability for mediation or a settlement conference. Plaintiffs and their counsel and Defendants' counsel shall participate in a telephone conference, to be scheduled by the ADR Unit as soon as possible but no later than January 13, 2012.

Plaintiffs and their counsel and Defendants' counsel shall be prepared to discuss the following subjects:

- (1) Identification and description of claims and alleged defects in loan documents.
- (2) Prospects for loan modification.
- (3) Prospects for settlement.

The parties need not submit written materials to the ADR Unit for the telephone conference.

1 In preparation for the telephone conference, Plaintiffs shall
2 do the following:

- 3 (1) Review relevant loan documents and investigate the
4 claims to determine whether they have merit.
- 5 (2) If Plaintiffs are seeking a loan modification to
6 resolve all or some of the claims, Plaintiffs shall
7 prepare a current, accurate financial statement and
8 gather all of the information and documents
9 customarily needed to support a loan modification
10 request. Further, Plaintiffs shall immediately
11 notify Defendants' counsel of the request for a loan
12 modification.
- 13 (3) Provide counsel for Defendants with information
14 necessary to evaluate the prospects for loan
15 modification, in the form of a financial statement,
16 worksheet or application customarily used by
17 financial institutions.

18 In preparation for the telephone conference, counsel for
19 Defendants shall do the following.

- 20 (1) If Defendants are unable or unwilling to do a loan
21 modification after receiving notice of Plaintiffs'
22 request, counsel for Defendants shall promptly
23 notify Plaintiffs and their counsel to that effect.
- 24 (2) Arrange for a representative of each Defendant with
25 full settlement authority to participate in the
26 telephone conference.

27 The ADR Unit will notify the parties of the date and time
28 the telephone conference will be held. After the telephone
conference, the ADR Unit will advise the Court of its
recommendation for further ADR proceedings.

IT IS SO ORDERED.

Dated: 12/1/2011


United States District Judge
Claudia Wilken

cc: ADR